REMARKS/ARGUMENTS

In response to the Office Action dated May 28, 2003, claims 1, 10 and 17 are amended. Claims 1-19 are now active in this application. No new matter has been added.

The indication that claims 8 and 9 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-7 and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamen et al. (USPN 6,456,287). It is presumed that the Examiner intended to include claims 10-12 and 17-19 in this rejection in view of item numbers 11, 12 and 13 o pages 3 and 4 of the Official Action.

The present invention is directed to a technique for joining a curved surface model to a lack (hole) portion of a three-dimensional shape model. In contrast, Kamen et al. is directed to a technique for simply joining a two-dimensional texture to a three-dimensional shape model. More specifically, Kamen et al. is not concerned with displaying both a three-dimensional shape model having a portion of original three-dimensional shape data omitted and a curved surface model to be joined to the omitted portion with a shape of the curved surface model being defined by one parameter, or with modifying a shape of the curved surface model so as to fit to the three-dimensional shape model by changing the parameter value.

It should be noted that the problem addressed and solved by a claimed invention must be given consideration in resolving the ultimate legal conclusion of obviousness under 35 U.S.C. § 103. ***North American Vaccine, Inc. v. American Cyanamid Co.***, 7 F.3d 1571, 28 USPQ2d 1333 (Fed. Cir. 1993); ***In re Newell***, 891 F.2d 899, 13 USPQ2d 1248 (Fed. Cir. 1989); ***In re Nomiya***, 509 F.2d 566, 184 USPQ 607 (CCPA 1975).

In view of the above, Applicants submit that the present invention distinctly differs from the what is disclosed in Kamen et al., which is clearly not concerned with the problem addressed and solved by the present invention.

At any rate, to expedite prosecution, independent claim 1 is amended to recite:

> A processing method to be implemented by a computer, comprising the steps of:
>
> obtaining three-dimensional shape data representing a three-dimensional shape model of an actual object;
>
> receiving a designation of an omitted portion of the three-dimensional shape model, the omitted portion being included in the obtained three-dimensional shape data and being a portion where original three-dimensional shape data representing the actual object is omitted;
>
> displaying the three-dimensional shape model and a curved surface model to be joined to the designated omitted portion, a shape of the curved surface model being defined by one parameter;
>
> modifying a shape of the curved surface model so as to fit to the three-dimensional shape model by changing the parameter value; and
>
> displaying the modified curved surface model with conforming to the omitted portion of the three-dimensional shape model.

Independent claim 10 is amended to recite:

> A processing method of a three-dimensional shape data, comprising the steps of:
>
> displaying a three-dimensional shape model having a portion of original three-dimensional shape data omitted and a curved surface model to be joined to the three-dimensional shape model at a portion corresponding to where the portion of original three-dimensional shape

data has been omitted, a shape of the curved surface model being defined by at least one parameter;

obtaining only one parameter value that is instructed to be changed by an operator; and

modifying the shape of the displayed curved surface model based on the obtained parameter value.

Finally, independent claim 17 is amended to recite:

A processing system of a three-dimensional shape data, comprising:

a display device for displaying a three-dimensional shape model having a portion of original three-dimensional shape data omitted and a curved surface model to be joined to the three-dimensional shape model at a portion corresponding to where the portion of original three-dimensional shape data has been omitted, a shape of the curved surface model being defined by at least one parameter;

a setting portion for obtaining only one parameter value that is instructed to be changed by an operator; and a modifying portion for modifying the shape of the displayed curved surface model based on the obtained parameter value.

Since Kamen et al. does not disclose or suggest, *inter alia*, displaying both a three-dimensional shape model having a portion of original three-dimensional shape data omitted and a curved surface model to be joined to the omitted portion with a shape of the curved surface model being defined by one parameter, as well as modifying a shape of the curved surface model so as to fit to the three-dimensional shape model by changing the parameter value, amended independent claims 1, 10 and 17 are patentable over Kamen et al., as are dependent claims 2-9, 11-16, 18 and 19.

Consequently, the allowance of claims 1-19, as amended, is respectfully solicited.

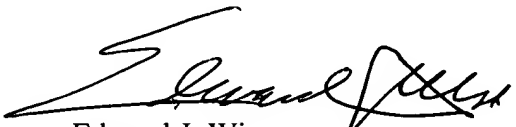
CONCLUSION

Accordingly, it is urged that the application, as amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY



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